

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MALCARNE CONTRACTING INC.,

Plaintiff,

-against-

PROGRESSIVE CASUALTY INS. CO.,

Defendant.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 1/14/2025

24-CV-04244 (MMG)


**ORDER**

MARGARET M. GARNETT, United States District Judge:

The Court is in receipt of Third-Party Plaintiff Progressive Casualty Insurance Company's ("Progressive") letter requesting to serve Third-Party Defendant Juan Bautista by publication. *See* Dkt. No. 61. However, although the Third-Party Complaint at Dkt. No. 16 lists Bautista as a Third-Party Defendant, the Third-Party Complaint appears not to allege any claim against or seek any remedy from Bautista. By **January 22, 2025**, Progressive is directed to file a letter on the docket explaining why Bautista is a necessary party to this action and why he should not be summarily dismissed, considering no claim appears to have been brought against Bautista directly and his only relation to this case is as a potential future third-party beneficiary if Progressive is required to indemnify defendants in the state litigation brought by Bautista (but to which Progressive is not a party).

Dated: January 14, 2025  
New York, New York

SO ORDERED.

  
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MARGARET M. GARNETT  
United States District Judge